

REMARKS

Interview request

Applicants respectfully request a telephonic interview after the Examiner has reviewed the instant response and amendment. Applicants request the Examiner call Applicants' representative at (858) 720-5133.

Status of the Claims*Pending claims*

Claims 1 to 21 are pending.

Claims deleted

Claims 5 and 11 are deleted, without prejudice or disclaimer. Accordingly, after entry of this amendment, claims 1 to 4, 6 to 10, and 12 to 21 will be pending.

Support for Claim Amendments

Support for the amended claims can be found throughout the application for the skilled artisan. Accordingly, Applicants submit that no new matter is introduced by the present amendments.

Issues under 35 U.S.C. §112, first paragraphEnablement

Claims 1 to 21 are rejected under 35 U.S.C. §112, first paragraph, because the specification allegedly does not reasonably provide enablement for the claimed invention, for reasons set forth on pages 2 to 4, of the OA.

The Office acknowledges that the specification is enabling for a combination of a reshaped PM-1 antibody and melphalan (see, e.g., page 2, first sentence of this section, in the OA). While Applicants traverse the rejection, only to expedite allowance of this particular filing, the claimed methods are amended to address this issue, e.g., to be directed to using *inter alia* melphalan.

Additionally, to further address the Office's concerns, the claimed methods are amended such that the anti-IL-6 receptor antibody has the same anticancer therapeutic mechanism of activity as an anticancer PM-1 antibody deposited as FERM BP-2998.

Provisional rejection under 35 U.S.C. §101

Claims 1 to 12 are *provisionally* rejected under 35 U.S.C. §101, as allegedly claiming the same invention as that of claims 1 to 3 and 7 to 9, of co-pending USSN 10/098,874.

Applicants will hold this issue in abeyance until such time claims are held allowable.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully aver that the Examiner can properly withdraw the rejection of the pending claims under 35 U.S.C. §112, first paragraph. In view of the above, claims in this application after entry of the instant amendment are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing atty docket no. **350292000402**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

As noted above, Applicants have requested a telephone conference with the undersigned representative to expedite prosecution of this application. After the Examiner has reviewed the instant response and amendment, please telephone the undersigned at (858) 720-5133.

Dated: October 2, 2008

Respectfully submitted,

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